

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Use of Spectrum Bands Above 24 GHz for Mobile Radio Services	)	GN Docket No. 14-177
	)	
Establishing a More Flexible Framework to Facilitate Satellite Operations in the 27.5- 28.35 GHz and 37.5-40 GHz Bands	)	IB Docket No. 15-256
	)	
	)	
Amendment of Parts 1, 22, 24, 27, 74, 80, 90, 95, and 101 To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services	)	WT Docket No. 10-112
	)	
	)	
Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0- 38.0 GHz and 40.0- 40.5 GHz for Government Operations	)	IB Docket No. 97-95

**COMMENTS OF ALASKA COMMUNICATIONS**

Alaska Communications<sup>1</sup> hereby submits these comments in response to the  
Commission's *Second Report and Order and Second Further Notice of Proposed Rulemaking*<sup>2</sup>

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<sup>1</sup> In these comments, "Alaska Communications" means the following subsidiaries of Alaska Communications Systems Group, Inc.: ACS of Alaska, LLC, ACS of Anchorage, LLC, ACS of Fairbanks, LLC, ACS of the Northland, LLC, and ACS Internet, LLC.

<sup>2</sup> *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.*, Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order in GN Docket No. 14-177 *et al.*, FCC 17-152 (rel. Nov. 22, 2017). The Second Further Notice of Proposed Rulemaking is referred to herein as the "Notice." The Second Report and Order is referred to as the "Second R&O."

on rules governing the use of spectrum at or above 24 GHz for fifth-generation wireless (“5G”), Internet of Things (“IoT”), and other advanced spectrum-based services (also known as “millimeter wave” spectrum). Alaska Communications specifically asks the Commission to clarify that licensees operating in the millimeter wave spectrum from 47.2 to 48.2 GHz (the “47 GHz Band”) will be subject to the same geographic partitioning and spectrum disaggregation rules as other licensees in the Upper Microwave Flexible Use Services (“UMFUS”).<sup>3</sup>

In the Second R&O, the Commission adopted Partial Economic Areas (“PEAs”) as the geographic license territory for millimeter wave licenses in the 24 GHz band<sup>4</sup> as well as the 47 GHz Band.<sup>5</sup> The Commission noted that both the 24 GHz band and the 47 GHz Band would be governed by the UMFUS Part 30 rules, which also govern 28 GHz, 37 GHz and 39 GHz spectrum.<sup>6</sup> Under the UMFUS rules, exclusive licenses will be awarded for service within predetermined geographical boundaries, and licensees will be permitted to deploy fixed or mobile services (or a combination of both) within their license areas.<sup>7</sup>

As the Commission is aware, PEAs are relatively large service areas, and in Alaska this particularly true – only four PEAs comprise the entire state. However, the UMFUS rules generally permit geographic partitioning and spectrum disaggregation,<sup>8</sup> which would greatly facilitate secondary market transactions, so licensees may acquire spectrum and license territories that are appropriate for their individual business plans and operational capabilities.

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<sup>3</sup> 47 C.F.R. §30.105.

<sup>4</sup> *Notice* ¶28.

<sup>5</sup> *Notice* ¶50.

<sup>6</sup> *Notice* ¶¶2, 23, 47.

<sup>7</sup> *Id.* ¶23.

<sup>8</sup> *See* 47 C.F.R. §30.316.

Partitioning and disaggregation are very important to Alaska Communications as a potential bidder for this spectrum for service to rural areas. As the Commission is aware, Alaska is America's largest state, comprising roughly one-sixth the nation's total land area, yet it also is the most rural state in the nation, containing only two percent of the nation's population, concentrated in a single urban area (Anchorage) and just a few larger communities. Hundreds of much smaller communities are found in isolated locations around the state, most of which are not yet connected to advanced terrestrial broadband infrastructure. Millimeter wave technology therefore represents a potentially important component of advanced infrastructure planning for entities such as Alaska Communications, engaged in deploying broadband in rural Alaska. The ability to partition PEAs and disaggregate the millimeter wave spectrum will be important for that purpose.

In the *Second R&O*, the Commission expressly acknowledged that the geographic partitioning and spectrum disaggregation rules would apply to millimeter wave licensees operating in the 24 GHz band.<sup>9</sup> These tools previously were made available for UMFUS licensees in the 28, 37 and 39 GHz bands.<sup>10</sup> However, it is unclear from the *Second R&O* and prior Commission rulings whether partitioning and disaggregation will be permitted in the 47 GHz Band. In adopting final rules for advanced services operating in the millimeter wave spectrum in its forthcoming order, the Commission should specifically confirm that its Part 30

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<sup>9</sup> *Id.* ¶27 (“the 24 GHz band will be subject to the rules established for UMFUS both here and in the R&O regarding construction requirements, geographic partitioning and spectrum disaggregation, discontinuance of service, and license term”).

<sup>10</sup> *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.*, Report & Order in GN Docket No. 14-177 *et al.*, 31 FCC Rcd 8014, 8094 (2016).

partitioning and disaggregation rules will apply to licensees in the 47 GHz Band to the same extent as to operators in the other bands in this service.

In the *Further Notice*, the Commission seeks comment on certain performance metrics for these bands, including whether a geographic coverage requirement would be appropriate for IoT and other advanced uses of millimeter wave spectrum.<sup>11</sup> The Commission also proposes to eliminate the pre-auction spectrum limit for the 28 GHz, 37 GHz and 39 GHz bands,<sup>12</sup> and asks whether it is necessary to conduct a case-by-case post-auction review of millimeter wave spectrum holdings.<sup>13</sup> In this context, the Commission remarks on the “technical similarity” among the bands governed by the rules adopted in this proceeding, and recalls the “decision in the Second R&O to group these five bands for purposes of secondary market transactions review.” However, in adopting secondary market rules, the Commission does not appear to have specifically addressed the question of partitioning and disaggregation *for the 47 GHz Band*. Perhaps this was a mere oversight.

To the extent necessary, these comments may be treated as a Petition for Reconsideration of the *Second R&O* on this particular question. The *Second R&O* was published in the Federal Register on January 2, 2018.<sup>14</sup> Therefore, petitions for reconsideration are timely.<sup>15</sup> However, Alaska Communications is not requesting that the Commission change any prior ruling. Rather, the Commission should clarify its intention that all millimeter wave licensees, including

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<sup>11</sup> Notice ¶¶100-103.

<sup>12</sup> Notice ¶105.

<sup>13</sup> Notice ¶106.

<sup>14</sup> 83 Fed. Reg. 37 (Jan. 2, 2018).

<sup>15</sup> 47 C.F.R. §1.429.

licensees in the 47 GHz Band, will be permitted to avail themselves of the same UMFUS partitioning and disaggregation rules set forth in Part 30.

Finally, the Commission should recognize that operators such as Alaska Communications intend to use millimeter wave spectrum to fulfill their broadband obligations under the requirements of the Commission's Connect America Fund ("CAF") universal service program. Alaska Communications is required to offer fixed broadband capability at a minimum of 10 Mbps downstream, 1 Mbps upstream, to a specific number of locations deemed eligible for support, on a demanding schedule dictated by the Commission, with pricing, latency and usage allowances reasonably comparable to those in urban areas (subject to additional performance metrics yet to be adopted), and to report regularly to the Commission as to how its performance measures up to FCC standards.<sup>16</sup> Alaska Communications urges the Commission to exercise restraint in imposing build-out obligations on entities already laboring to fulfill CAF obligations in remote and highly challenging environments such as the unserved areas of rural Alaska.

In conclusion, Alaska Communications applauds the Commission's stated intention to move forward as quickly as possible with auctions for these new millimeter wave licenses.<sup>17</sup> This spectrum is expected to play a significant role for both fixed broadband and 5G mobile service deployment in rural Alaska. For the reasons stated herein, the Commission should clarify that partitioning and disaggregation are available for all Part 30 UMFUS licensees, and promptly conclude its rulemaking and adopt the remaining licensing, technical and operational rules as

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<sup>16</sup> See Public Notice, *Comment Sought on Performance Measures for Connect America High-Cost Universal Service Support Recipients*, WC Docket No. 10-90, DA 17-1085 (WCB rel. Nov. 6, 2017); *Connect America Fund*, Order, 31 FCC Rcd 12086, ¶¶9, 12 (2016)

<sup>17</sup> Notice ¶6.

necessary to proceed to the licensing stage and allow licensees to move forward with investment and operation in these bands.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Karen Brinkmann".

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